

COMMISSION CONFERENCE
MAY 2, 2000

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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore and Smith

Also Present: City Manager, City Attorney, City Clerk and Police Sergeant

OB – Construction Debris

Mayor Naugle said he had received numerous complaints from residents around The Palms and The Palms II about metallic particles falling everywhere from the construction activities. He had also received complaints from residents of the White Egret because cars were being ruined. Mayor Naugle had suggested an ordinance requiring buildings to be “wrapped” during construction, but no one had seemed interested. Commissioner Smith advised he had received calls from the area around Jackson Towers and, although it had taken some time, the administration had finally caused the building to be “wrapped.” It had not resolved the entire problem, but it was helpful, and Commissioner Smith thought a similar program should be used at The Palms.

Commissioner Hutchinson felt something should be in place right from the beginning of construction. Mayor Naugle agreed. Commissioner Smith suggested a Conference discussion on May 16, 2000, about building construction practices. It was agreed.

Action: Subject to be placed on May 16, 2000 Conference Agenda.

I-A – Lobbyist Registration

A discussion was scheduled on a proposed ordinance for a lobbyist registration program in the City. Notice of the public discussion was published on April 25, 2000. The City Attorney noted that the drafted ordinance had been modeled after an ordinance in Dania as directed by the City Commission.

Commissioner Hutchinson wanted it to be clear that when someone called for an appointment, they had to state the subject. She had not seen anything in that regard in the ordinance. The City Attorney agreed the draft did not contain such a requirement, but it could be included. It was the consensus of the Commission to do so.

Commissioner Katz understood the ordinance would be effective on the date it was adopted. The City Attorney agreed that was correct. Commissioner Katz inquired about advisory board members. The City Attorney recalled the Commission had wanted to exclude board members. However, it did cover lobbyists who wanted to lobby board members. Mayor Naugle understood the ordinance would not prohibit former board members from lobbying. The City Attorney agreed that was correct.

Commissioner Katz felt the list of those affected was too long. She suggested only Management Categories I through III be included. Commissioner Smith felt the time period was too restrictive. He thought a one-year prohibition would be sufficient. Commissioner Moore agreed.

Commissioner Moore understood County employees were exempt. He wanted to ensure the language of the ordinance would include any other governmental agency, not just Broward County. The City Attorney stated that the mention of Broward County on page 2 of the back-up memorandum had only been an example.

Commissioner Moore wondered why the City would want to know about lobbying expenditures. Commissioners Katz and Smith had the same question. Commissioner Moore saw no need to know what expenses a lobbyist might have incurred. The City Attorney advised that section could be omitted. It was agreed. Commissioner Moore thought if someone had left the City's employ and then assisted the City on a consulting basis. He understood the lobbying prohibition would begin when the employment itself had ended. The City Attorney agreed that was correct.

Commissioner Smith asked if he could, for example, speak to the Mayor about a building he wanted to construct on property he owned. He wondered if he would be considered a lobbyist under such a circumstance. The City Attorney stated he would be a lobbyist in that scenario as the ordinance was drafted.

Mayor Naugle did not understand how the Chief Executive Officer (CEO) could be excluded from the prohibition. The City Attorney stated there was no distinction between someone who was on salary with a developer and someone who was hired on a case-by-case basis to address particular projects. Mayor Naugle pointed out that the owner of a piece of property who wanted to construct a building on his own land was not being compensated. The City Attorney advised that this would be a business venture compensated through profits.

Commissioner Smith believed the intent of the ordinance had been to allow Commissioners to know who were "hired guns." He pointed out that there were people who were so good at influencing others that they were paid to do it. Commissioner Smith was not concerned about those who appeared before the Commission to further their own interests.

At 2:29 P.M., Commissioner Smith left the meeting. He returned at 2:30 P.M.

Mayor Naugle liked the Dania model better. He did not agree with the City Attorney's interpretation about lobbying for money because this specifically excluded someone who was lobbying on his own behalf. The City Attorney said this was not designed to address someone who was building his own home, for example. However, if a corporation wanted to construct a headquarters and were represented by its own personnel, it would be covered. He noted that the ordinance could be changed to exclude those individuals. Commissioner Moore felt the ordinance should exclude owners and regular employees of companies. Mayor Naugle thought the employees should be covered, but not the principal.

The City Attorney pointed out that there were many different types of corporate structures, joint ventures, partnerships, etc. Therefore, it was difficult to identify the owner. For example, he wondered if someone who held a 10% share of a venture would be considered the owner. He noted that publicly traded corporations were owned by their stockholders, too. He believed it would be difficult to administer an ordinance as described.

It was the consensus of the Commission to leave the ordinance as drafted, but to change the prohibition period from two years to one year for employees and not require expense reports.

Mr. Chuck Ritchie believed this ordinance would apply to a plumber, for example, who came into the "One Stop Shop." The City Attorney advised the ordinance language could be modified to make it clear that someone applying for a permit was not lobbying. Mr. Ritchie was concerned that someone making a simply inquiry of a City employee would be considered a lobbyist and suggested a memorandum of clarification. The City Attorney agreed to provide further clarification in writing. He stated that applying for a permit was not an attempt to influence any policy decision, although inquiring about a street vacation could be considered lobbying because it involved a policy decision.

Action: Approved as discussed.

I-B – Community Bus Shuttle Program

A discussion was scheduled on a proposal to participate in Broward County's Mass Transit Division (BCT) Community Shuttle Bus Program. The City Commission had deferred discussion of this item on April 11, 2000.

The City Manager introduced Mr. Horace McHugh, Assistant to the City Manager, to provide information in this regard. He explained that the community shuttle bus, which was a County program, and the intent was to make Broward County Transit (BCT) the regional service provider along main corridors with municipalities providing smaller vehicles to go into neighborhoods to feed the major arteries.

Mr. McHugh explained that the County would provide smaller vehicles to the municipalities, along with \$20,000 for operating expenses. The County would address marketing and scheduling, along with other operational details, but the remainder of the operating cost would be borne by the municipalities. He advised that the City had similar programs in place, and one had been the operation of a shuttle along the Himmarshee Entertainment District to the parking garage. In that case, the deficit had been borne by a private individual. In another program, the deficit was borne by Community Development Block Grant (CDBG) funds.

Mr. McHugh stated that a survey of other cities had been conducted, and Exhibit 1 contained details about the costs staff had been able to associate for two cities running similar programs. In addition, staff had provided some estimates on the cost of Fort Lauderdale offering one route. He noted that the County had suggested consideration be given to using gas tax revenues to offset these costs, and the City currently received about \$2.8 million in gas tax. The City typically used those funds for street improvements and transportation issue. Mr. McHugh stated an additional penny tax had been approved, and staff estimated that would generate an additional \$190,000 per year. The County had suggested this money be used for a program of this type.

Mr. McHugh advised that the County also had "hybrid vehicles" that used a combination of or alternate fuel. If those vehicles were used, other grants could be utilized for leveraging opportunities. He stated that in recognition of the fact that each route could cost as much as \$200,000, the County had requested an opportunity to address the Commission.

Mr. Howard Nelson, Chair of the Transportation Management Association (TMA), introduced several of his Board members, along with members of the EV Ready Broward Board, the Metropolitan Planning Organization (MPO), Downtown Development Authority (DDA), and the Broward County Mass Transit Division. Mr. Nelson believed Mr. McHugh had provided information about the funds that could be available for this purpose, and there had been much discussion about community buses. He explained that there were opportunities to obtain additional monies from various sources, and that raised leveraging possibilities.

Mr. Nelson advised the TMA had a nine-year history with the City, and it had started with a tiny route circling the downtown core. It had expanded to include the courthouse, the beach, and the Sistrunk corridor to link with the new Research Library. He hoped the Commission would consider the leveraging possibilities that would modify the existing routes because no one could build enough roadways and pavement. Mr. Nelson wanted to give the City the ability to continue to expand the service into other districts of Fort Lauderdale.

Mr. Nelson pointed out that the routes stopped just short of the Galt Ocean Mile at the present time, but funds could be leveraged into approximately \$345,000 for a 31-month grant from the Department of Community Affairs (DCA) to expand services. He introduced *Ms. Julia Cope*, of EV Ready Broward, to discuss the grant further.

Ms. Cope had a vision of providing community transportation that met the needs of citizens and that was both clean and quiet. To this end, EV Ready pledged to work with the TMA and the City toward obtaining alternative-fuel vehicles on a regional basis. She advised that \$3.5 million had been secured last year, and there was good support this year at the State level. In addition, EV Ready Broward had been working with the Electric Vehicle Association of America, which was working with a Congressman in New York who was considering a \$200 million proposal. These monies would be allocated to 20 cities around the country, and *Ms. Cope* had a vision of linking the core area to Tri-Rail, the Airport, Port Everglades and the downtown area with electric shuttles.

Ms. Cope said she would be attending a meeting of the Electric Vehicle Association of America next week and would obtain an update at that time. In addition, EV Ready Broward sponsoring an electric and hydroelectric workshop on May 17 and 18, 2000. It would be held at the Airport, and there was a \$25 registration fee. *Ms. Cope* stated one of Miami Beach's battery-operated buses would be on display at the workshop. On the second day, there would be a trip to Miami Beach to see the system and facilities in place in that location, and *Ms. Cope* hoped people from Fort Lauderdale would attend.

Ms. Cope reported that the City of Coconut Creek would be using electric buses, although none were being used in Broward County at the present time. She explained that Broward County had purchased the buses.

Mayor Naugle wondered if a group of cities could work together to get the County to change the funding formula in order to double the \$20,000 per route to \$40,000. The City Manager said he could try that approach. Mayor Naugle wondered how many cities would apply for the grant monies mentioned earlier. Mr. McHugh thought four or five cities in Broward County would be interested. Mayor Naugle believed it would be a good idea to attempt to form a coalition of cities to work together with respect to the funding.

Commissioner Moore said he served as the Commission's representative on the Broward League of Cities, which was addressing how the additional penny gas tax would be divided. There had been many months of discussion before a formula had been reached. Nevertheless, he had no problem with attempts to increase the \$20,000. Commissioner Moore noted that two community buses had been operated for 18 months through this program, and the balance of the operation had been subsidized by the Las Olas Riverfront. Therefore, there had been no subsidy required from the City according to staff. However, the City had contributed \$100,000 toward providing these services. Mr. McHugh stated that only the shuttle between the parking garage and Las Olas Boulevard had been subsidized by Las Olas Riverfront. The routes had been expanded, however, to include other routes.

Commissioner Moore stated that there were individuals who needed transportation but were not being served. Mr. McHugh advised that the route was expanded to go as far north as Sistrunk Boulevard, although he was not sure it went all the way to Federal Highway. Mr. Nelson stated that there was a route from Sistrunk Boulevard at Northwest 14th Terrace. *Mr. Paul Carpenter*, Executive Director of the TMA, stated this route actually started at the downtown terminal, went to 2nd Street, past the Post Office and west on 4th Street to 15th Avenue. It then went north on 15th Avenue to Sistrunk Boulevard, east to 9th Avenue, and back down to 4th Street. Commissioner Moore asked how often buses were provided, and Mr. Carpenter replied that one bus came every 40 minutes.

Ms. Sylvia Smith, Broward County Transit, stated that both of the community bus contracts would end on September 30, 2000. If the City wished to continue to participate, a letter was needed to initiate a new agreement. Commissioner Moore hoped the Commission would agree to participate in terms of the electric buses and expansion of the routes. He agreed there was an economy of scale that could be achieved.

Commissioner Smith asked how the new bus route would work. He understood there would be four buses serving a single route. Mr. McHugh advised that one would be held in reserve with three on the route. He stated that the route took about 40 minutes without stops or traffic. Commissioner Smith thought in order for mass transit to work, it had to be convenient. Commissioner Moore believed that if smaller shuttles were used within neighborhoods to transport passengers to the major arteries, there would be more of the larger buses available to provide better services on the major thoroughfares. At present, if people missed the bus, the next one was so long in coming that they could lose their jobs. He felt the efficiency of mass transit would improve if there were more frequent buses on the major arteries with smaller vehicles collecting people from neighborhoods. Commissioner Moore thought this could be a model for the nation and would help the City obtain federal money.

Commissioner Hutchinson stated that this had been an important topic at her district meeting last night, and her constituents wanted the County and the TMA to come and discuss it. She advised that many people wanted to leave their cars at home, but the existing transportation system was not convenient enough at this time. Commissioner Smith did not think everyone could be accommodated during the first phase, but he was hopeful these issues could be addressed in the long term.

Commissioner Katz thought one problem with Broward County was it decided the routes, and she felt the City should be in control of its own destiny. She felt the County should provide the money and let the City decide which routes would be best and who should operate it. Commissioner Moore believed the County's posture in this regard had changed recently. *Ms. Smith* stated that Mr. Metzger's route had presented safety issues.

Commissioner Katz believed Mr. Metzger had only been providing an example. Ms. Smith stated that the County would not tell the City where the routes should be, but the route Mr. Metzger had designed could not work.

At 3:17 P.M., Commissioner Moore left the meeting.

Mr. McHugh explained that Broward County had applied its criteria to the route suggested by Mr. Metzger. These criteria related to safety and coverage, and he believed the City would have to apply certain criteria. Commissioner Katz wanted to see fewer big buses and more community shuttles. Ms. Smith explained that the intent of the community buses was to supplement the major routes as opposed to replacing them. Commissioner Katz some of the larger buses could be removed if the shuttles were used as supplements.

Commissioner Katz understood Mr. McHugh had figured four buses per route, but she thought the situation had been overstated. For example, if a route was small enough, two buses would probably suffice. Mr. McHugh agreed that was a valid point, and buses could loop through more frequently with smaller routes. However, the cost escalated substantially when frequency was increased.

Commissioner Moore understood Broward County's major concern would be safety, and different communities needed different types of service. Ms. Smith agreed that was correct. Commissioner Moore suggested serving two communities with four buses. If the TMA could augment that service, he would be pleased. Mayor Naugle believed there would be additional funding opportunities in the future, and more parking revenues could be derived by charging more for the convenient spaces and less for "outpost" parking lots along a bus route. He thought that would provide another revenue source to subsidize the transportation costs. Commissioner Hutchinson believed there was greater participation on the part of private industry in northern locales.

At 3:20 P.M., Commissioner Moore returned to the meeting.

Commissioner Moore noted that community buses could carry advertising; just as County buses did, to help generate monies to provide mass transit. Commissioner Katz thought that rather than staff managing all this, the operation could be outsourced to the TMA or another group. Commissioner Moore agreed there were a number of methods, and the TMA might be best suited.

Mayor Naugle inquired as to the commitment from the DDA. *Mr. Jerry Sternstein*, DDA, stated that the DDA had just committed another \$10,000, and budget preparation for next year would commence in the next few weeks. He would be discussing financial commitments with his Board members in order to reach consensus on the budget. Mr. Sternstein said he would keep City staff informed.

Commissioner Moore thought the TMA should go to areas where there were people who needed transportation. He believed it would find that there would be support in those areas rather than trying to force people to use services they did not want.

The City Manager said he would do everything possible to ensure the City did not get back into the mass transit business while, at the same time, trying to meet the needs of targeted populations who needed mass transportation. He believed he could come back with some alternatives within the parameters of what the City could afford. The City Manager pointed out that one size did not fit all, and the needs of one area were different from the needs in another. However, he had to work within the confines of identifiable revenues.

Mr. McHugh understood the Commission wanted to participate in terms of the hybrid buses, and he pointed out that the County required a three-year commitment due to the expense. Commissioner Smith wanted to see one of the hybrid buses to make sure it was the type of vehicle the people would use. He asked that one of the vehicles be brought to City Hall on May 16, 2000. Ms. Cope was not sure that could be arranged but she agreed to try. If that was not possible, the vehicle could be seen at the workshop mentioned earlier on May 17 or 18, 2000.

Mayor Naugle asked staff to follow the federal legislation for \$20 million involving twenty cities around the country. The City Manager agreed he would do so, and from the standpoint of whether or not a larger entity could apply or if the City had to apply alone.

Commissioner Smith thought the City should try to capture people at the edges of the downtown area for mass transit with nice trolleys with short waiting period that were easy to use and convenient. He felt this was a short-range approach, but he believed a longer-range approach should be implemented. Mayor Naugle agreed longer-range goals could be reached with remote parking lots, with their use encouraged by price. Commissioner Moore thought it would be helpful if a travel lane on major roadways, like Broward Boulevard, was dedicated to mass transit during peak periods. He believed that would encourage people to park at I-95 and use mass transit to reach the downtown.

Mr. McHugh stated that a grant application for the DCA monies could be presented to the Commission on May 16, 2000 in order to take advantage of that leveraging option.

Action: Approved as discussed.

II-A – Top 50 Wired Cities in America – City Commission Priority List for Fiscal Year 2000/2001

A report was presented on adding three priorities to the City Commission's Priority List for Fiscal Year 2000/2001, as requested by Mayor Naugle, as follows:

- to make the City the heart of the Internet Coast;
- to significantly enhance the services the City provided over the Internet; and
- to be known as one of the Top 10 Wired Cities in the United States.

Mayor Naugle thought one of the greatest steps in achieving these goals would be providing a second operator to provide high speed Internet access. He suggested that the Economic Development Advisory Board be asked to provide some recommendations in this regard.

Commissioner Smith wondered if people would be able to pay their water bills on the Internet in the near future. The City Manager stated that staff was developing a Request for Proposals (RFP) to seek a whole range of services including paying water bills, submitting building permit applications, etc.

At 3:37 P.M., Commissioner Moore left the meeting. He returned at 3:39 P.M.

The City Manager advised that he had already heard from some people who wanted to meet with him in this regard before the RFP was completed. He thought the RFP could be released very soon.

Action: Status Report. Input to be sought from Economic Development Advisory Board.

II-B – Project 9793 – Harbour Isles of Fort Lauderdale, Inc. (HIFLI)
Inlet Beach Improvements “IBIS” Special Assessment Project

An update was presented on the Harbour Isles of Fort Lauderdale, Inc. Inlet Beach Improvements special assessment project.

Ms. Odile Gracey, Harbour Beach Homeowners Association, stated that the Association was working closely with the Lago Mar Hotel on its contribution, along with other funds, could be used. She understood the Lago Mar Hotel was being given the option of contributing voluntarily rather than being subject to the special assessment. *Mr. Hal Barnes*, Project Engineer, stated that the Lago Mar had always been a strong supporter of the project and was committed to the project. He stated that if an assessment was approved, it would participate because the property was located within the assessment boundaries. However, if an assessment was not approved, the Hotel was still willing to work with the City through the NCIP grant program.

Ms. Gracey said she had spoken with *Walter Banks* earlier today, and he had not known anything about it. *Mr. Barnes* said the community had been working with *Lee Banks*, and *Walter Banks* had assured him of his support. *Ms. Gracey* asked what the assessment would be for the Hotel. *Mr. Barnes* estimated it at about \$30,000, with an assessment of about \$285 per residential unit.

Mr. Bill Cole, President of Harbour Isles, was pleased to see this project moving forward after five years of effort, and he had been gratified with the neighborhood's commitment. He stated that Lago Mar had been an active member of the Association throughout the process and had made a commitment in writing.

Commissioner Katz understood a majority of the respondents was sufficient, as opposed to a majority of the residents. Commissioner Smith believed that was a matter for the Commission. Mayor Naugle agreed the Commission made that decision.

Action: Status Report.

II-C – Neighborhood Capital Improvement Program (NCIP) Carryover Funds

A report was presented on a proposal to allow NCIP carryover funds from canceled or completed projects to be set aside as a contingency to assist with the outsourcing of landscaping/architectural design and survey work for other projects, or permit fees.

Commissioner Hutchinson asked if monies had been rolled over from the Poinciana Park project. Ms. Marisol Lotito, NCIP Program Manager, replied that had not been included in this report, but it would be rolled over. Commissioner Katz asked who decided which projects the rollover money would be used for, and Mayor Naugle believed the monies would be appropriated by the Commission. Ms. Lotito advised that staff would review the projects and provide recommendations when items were presented to the Commission for appropriation of funds.

Commissioner Hutchinson inquired about the Croissant Park entranceway on 17th Street. She understood there was \$3,200 available, and she wondered if that would be enough to replace the feature. Mr. Mike Fayyaz, Engineering Division, stated that an insurance company had agreed to pay for it other than the \$500 deductible. Commissioner Hutchinson requested information about the time frame for this work. Mr. Fayyaz agreed to provide that information.

Action: Status Report.

II-D – Proposal for Las Olas University

A report was presented on Senate Bill 2448 sponsored by Senator Donald Sullivan and House Bill 2247 sponsored by Representative Debby Sanderson regarding a proposal for a Las Olas University in Broward County.

Action: Status Report.

At 3:48 P.M., the meeting was recessed for a closed door session regarding settlement negotiations and strategy in connection with William Truman Gray, Jr. v City of Fort Lauderdale, etc., et al (Case No. 98-012494[05]), and Arnold P. Abbot for Love Thy Neighbor, Inc. v City of Fort Lauderdale (Case No. 99-003583[05]), as well as for the purpose of discussing labor negotiations. The meeting was reconvened at 10:00 P.M.

III-B – Advisory Board Vacancies

1. Budget Advisory Board

Action: Deferred.

2. Cemeteries Board of Trustees

Action: Deferred.

3. Charter Revision Board

Action: Deferred.

4. Community Appearance Board

Action: Deferred.

5. Education Advisory Board

Action: Deferred

6. Marine Advisory Board

Action: Deferred.

7. Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

Action: Deferred.

8. Unsafe Structures & Housing Appeals Board

Action: Deferred.

IV – City Commission Reports

1. Middle River Terrace Park

Commissioner Smith reported that the grand opening of the new park in Middle River Terrace was scheduled for June 10, 2000. He stated that a celebrity run was proposed, and a challenge had been made to the City Commission and Department Heads to run around the new track.

Action: None.

2. Tree in Swale

Commissioner Katz stated that someone had been present at the meeting earlier today and had a question about a tree in the swale. She explained this individual was receiving conflicting information about removing the tree. Mr. Tom Tapp, Director of Parks & Recreation, advised that he would address the issue.

Action: Staff to investigate.

Meeting adjourned at 10:13 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.